

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MOHAMMAD AKMAN,

Plaintiff,

-against-

**PEP BOYS MANN MOE & JACK
OF DELAWARE INC.,**

Defendant.
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**MEMORANDUM
AND ORDER**

11-CV-3252 (SLT)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

On October 16, 2012, defendant Pep Boys moved again for sanctions and to dismiss plaintiff's claims pursuant to Rules 37 and 41(b) of the Federal Rules of Civil Procedure. See Letter Motion to Dismiss (Oct. 16, 2012), Docket Entry ("DE") #31. Plaintiff still has not responded to the October 16th motion.

Plaintiff's persistent violations of his discovery obligations and judicial orders have been the subject of repeated applications by defendant and repeated admonitions from the Court. Plaintiff's pattern of derelictions is detailed in this Court's Report and Recommendation of August 10, 2012, DE #25, and his continued violations are recounted in defendant's as yet unanswered pending motion. Empty apologies will no longer suffice. Plaintiff is directed, on pain of sanctions, including but not limited to dismissal with prejudice, to respond, in writing, by November 7, 2012, to each and every point detailed in defendant's pending motion.

SO ORDERED.

**Dated: Brooklyn, New York
October 31, 2012**

/s/ Roanne L. Mann
**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**